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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,920	10/12/1999	TOSHIHIRO NAGOSHI	5905.0035-01	5458

22852 7590 09/18/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER LLP
1300 I STREET, NW
WASHINGTON, DC 20006

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 09/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/415,920

Applicant(s)

NAGOSHI ET AL.

Examiner

Ryan R Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 19, 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 15-23 are pending in this application. Claim 15 is independent claim.

This application is a divisional application of application No. 09/975,966 dated 11/21/1997.

2. The present title of the invention is "Game device, picture data forming method and medium".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda et al. (US 6,329,991).

As per claim 15, Fukuda et al., hereinafter Fukuda, discloses a game device for displaying, as a picture, an object moving in accordance with developments of a game, said game device comprising:

means for reading a present position of said object (Figure 3 105 "for detecting a contact position of the trace input pen 13 and inputting image data comprising a trace written by the pen as coordinate dot train", column 2, line 38-42); and

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trace mark drawing means for drawing a trace mark in length within a predetermined range from said present position (Figure 3 13) and for extinguishing a bottom position of said trace mark by making it gradually light in color with the lapse of time ("brightness, which is one display attribute of the trace 21 which has already been drawn, is changed to a lower value", column 2, line 53-55).

5. As per claim 16, Fukuda demonstrated all the elements as applied to the rejected independent claim 15, supra, and further discloses said trace mark consists of plural portions, each portion having an assigned trace pattern which becomes lighter from the top position toward the bottom position of said trace mark (Figure 5 shows plural trace mark).

6. As per claim 17, Fukuda demonstrated all the elements as applied to the rejected dependent claim 16, supra, and further discloses the trace pattern assign to said each portion is previously stored as a pattern having different density in a storage means (Figure 6 48 where the attributes of the traces are updated, so when the new trace is drawn the updated traces are previously stored pattern).

7. As per claim 18, Fukada demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses said trace pattern assigned to said each portion is obtained by changing the transparency of basic trace pattern (Figure 7 54).

8. As per claim 22, Fukuda demonstrated all the elements as applied to the rejected independent claim 15, supra, and further discloses said trace mark drawing means

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deletes the drawn trace mark when said object stops and a predetermined time has passed (Figure 7 55 where Q is a function of time).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. and further in view of Willan (EP 0367405).

As per claims 20 and 21, Fukuda demonstrated all the elements as applied to the rejected independent claim 15, supra.

Fukuda teaches generating trace mark that fades in time. It is noted that Fukuda does not explicitly teach "said trace mark drawing means adjusts the timing to extinguish the drawn trace according to a moving speed of said object", however, this is known in the art as taught by Willan. Willan teaches a graphics input system in which the "shape, width, density, texture and colour of the resultant visual effect" were determined due to velocity, acceleration or higher derivatives (column 1, line 45-column 2, line 3).

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Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated the teaching of Willan into Fukada because Fukada teaches a fading trace mark and Willan teaches the trace could be affected by the drawing speed in order to make the effect of trace to look more realistic.

Allowable Subject Matter

11. Claims 19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang
September 12, 2002



**MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**